

## **REMARKS**

### **1. Status of the Claims**

Claims 1-20 stand pending. Claims 1-20 are subject to Restriction / Election Requirement.

### **2. Information Disclosure Statements**

Applicants respectfully request acknowledgment of the three Information Disclosure Statements submitted respectively on April 26, 2007; April 13, 2007; and June 15, 2006 with the Office's next communication.

### **3. Priority Documents**

Applicants respectfully request acknowledgement of the certified priority documents submitted on June 15, 2006 with the Office's next communication.

### **4. Acceptance of Drawings**

Applicants respectfully request status as to the acceptance of the drawings as filed with the Office's next communication.

### **5. Response to Restriction**

The Office restricts claims 1-20 in to one of the following groups:

- 1) **Group I**, claims 1-9 (in part) and 12-17, drawn to a gene coding for a protein having activity of transferring a sugar to the chalcone 4'-position, or wherein the gene encodes SEQ ID NO:2 or variants thereof, or wherein the gene is SEQ ID NO:1, or variants thereof, a vector, host cell, plant and methods comprising said gene;
- 2) **Group II**, claims 1-9 (in part) and 12-17, drawn to a gene coding for a protein having activity of transferring a sugar to the chalcone 4'-position, or wherein the gene encodes SEQ ID NO:70 or variants thereof, or wherein the gene is SEQ ID NO:69 or variants thereof; a vector, host cell, plant and methods comprising said gene;

- 3) **Group III**, claims 10-11, drawn to a protein and method of producing said protein;
- 4) **Group IV**, claim 18, drawn to a method of introducing and expressing a gene coding for a protein having activity of transferring a sugar to the chalcone 4'-position together with a gene coding for aureusidin synthase in a plant while also inhibiting expression of a flavonoid synthesis pathway gene in the host to alter the flower color to yellow;
- 5) **Group V**, claim 19, drawn to a method of introducing and expressing a gene coding for a protein having activity of transferring a sugar to the chalcone 4'-position together with a gene coding for aureusidin synthase in a plant while also inhibiting expression of the dihydrofavonol reductase gene in the host to alter the flower color to yellow; and
- 6) **Group VI**, claim 20, drawn to a method of introducing and expressing a gene coding for a protein having activity of transferring a sugar to the chalcone 4'-position together with a gene coding for aureusidin synthase in a plant while also inhibiting expression of the flavanone 3-hydrosylase gene in the host to alter the flower color to yellow.

The Office further requires the Applicants elect one DNA sequence from claim 5 and one corresponding amino acid sequence from claim 2, if one of Groups III-VI is elected.

By applying 37 C.F.R. § 1.475(d), the Office asserts that the Group I is the main invention, which comprises “a gene coding for a protein having activity of transferring a sugar to the chalcone 4'-position, wherein the gene codes SEQ ID NO:2, or wherein the gene is SEQ ID NO:1 or variants thereof; a vector, host cell, plant and method comprising said gene.”<sup>1</sup> Office Action, page 3. The Office then asserts that “any feature which the subsequently recited products and methods share with the main invention does not constitute a special technical feature within the meaning of PCT Rule 13.2 and that each of such products and methods accordingly defines a separate invention.” *Id.* Regarding to Groups I and II, the Office asserts that they are not linked by a single special technical feature, because different DNA sequences encoding different polypeptides “have different properties and different core structures and a search for one sequence does not encompass a search for the other sequence.” Office Action, page 4.

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<sup>1</sup> Applicants may not necessarily agree with the Office regarding the characterization of the present claims.

Furthermore, the Officer alleges that "[e]ach of Inventions I-VI are capable of being separately made, independently used and the patentability of one does not render the others obvious or unpatentable." *Id.*

6. **Election without Traverse**

Applicants elect **Group 1** (claims 1-9 and 12-17 in part) **without traverse**.

**CONCLUSION**

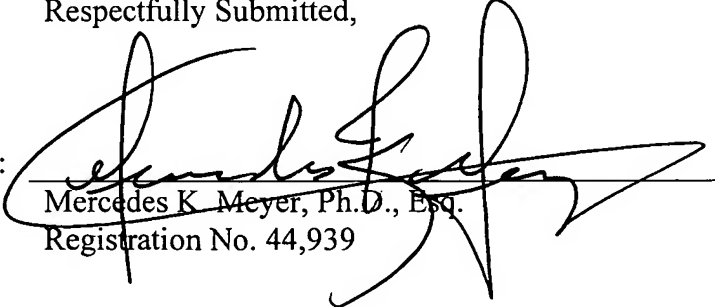
Should the Office have any questions or comments regarding Applicants' response, please contact Applicants' undersigned representative at (202) 842-8821. Furthermore, please direct all correspondence to the below-listed address.

In the event that the Office believes that there are fees outstanding in the above-referenced matter and for purposes of maintaining pendency of the application, the Office is authorized to charge the outstanding fees to Deposit Account No. 50-0573. The Office is likewise authorized to credit any overpayment to the same Deposit Account Number.

Respectfully Submitted,

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